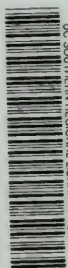


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OF APPEALS AND JUDICIAL

Report and testimony from Grand
Jury, Oyer and Terminer, Nov.-Dec.,
68, concerning election irregularities.

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REPORT AND TESTIMONY

FROM GRAND JURY,

OYER AND TERMINER,

Nov.—Dec., 1868,

CONCERNING

Election Irregularities.

PUBLISHED PURSUANT TO THE STATUTE IN SUCH
CASE MADE AND PROVIDED.

New York :

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81, 83, AND 85 CENTRE STREET.
1869.

COURT OF OYER AND TERMINER.

GRAND-JURY ROOM, }
November 17, 1868. }

Resolved, That the Secretary be directed to prepare the evidence given before this Grand Inquest relative to the allegations of frauds at the late elections, and also the evidence given relative to the Citizens' Association, that an embodiment of the salient points therein may be entered upon the book of minutes for future reference and possibly publication.

REPORT.

GRAND-JURY ROOM, }
December 8, 1868. }

In compliance with the resolution of the Grand Jury, adopted on the 17th ult., the Secretary offered the following paper, embodying the views of himself and associates, concerning the several matters political, &c., presented during their sessions for consideration:

The Grand Jury have had under consideration the various matters referred to by a prior Grand Jury, and by the Court at its present term, in relation to election irregularities; matters affecting the Citizens' Association on charges by the Citizens' Association, as well as against the Citizens' Association, and alleged newspaper libels; and have spent considerable time in investigating the same.

In respect to election irregularities, the Grand Jury regret that it is a subject which they must refer to another Grand Jury to take up, and if so disposed, complete. To this end they spread upon the minutes a copy of the testimony which has been duly taken under oath, in the Grand-Jury room, which may be used for future guidance. The Grand Jury considered that the primary cause of all election frauds proceeded from too liberal a use of money in political campaigns. When single individuals subscribed so much as twenty thousand dollars, it must be apparent that the amounts raised by election committees are very enormous. Men do not commit frauds of any kind, generally, without pecuniary motive. Double voting, if it exists, procuring duplicate, triplicate, and even scores of duplicated copies of naturalization papers, to be sold to men bearing the same name, as well as kindred frauds, may

readily find their source in pecuniary equivalents, for the moneys originally subscribed for election purposes are apt to soon pass beyond the control or knowledge of the subscribers; and, although made with the best intentions, can be easily perverted without their knowledge or connivance. The Grand Jury regret that men of high standing, like Alexander T. Stewart, should make technical objections to answering questions involving these subjects, or that men in public, political, and private confidence, like Edwin D. Morgan, should omit to personally attend before the Grand Jury in furtherance of these investigations.

The Grand Jury requested the Superintendent of Police to communicate to the Grand Jury any knowledge of election frauds that he might have or procure. He answered he had no such knowledge beyond the arrests made, which were declared by the District Attorney to be no greater in number than was usual at any election where there were a multiplicity of local candidates striving for political mastery. John H. White, Esq., understood to be Chairman of a Committee privately and laudably engaged in procuring testimony about election frauds, was similarly requested by the Grand Jury. The only evidence of practical irregularities, which are certainly reprehensible, although perhaps not indictable, is the evidence discovered in the testimony of Superintendent Kennedy, Commissioner Brennan, Commissioner Bosworth, and George W. Hoffman, a hack-driver, to the effect that the official power of the Police was privately and secretly lent to the furtherance of some kind of objects desired by a partizan Committee. It is certainly reprehensible that the police force of the City of New York, should be used without the sanction of the Board of Police to take a census of voters in the City of New York and have the census submitted to the manipulations of the partizan Committee during the progress of registration; or that, as appears by the testimony of one of the Inspectors and Canvassers of election, the Board of Police should have the power to more or less practically control elections, by appointing and removing at will in their discretion, from time to time, during the

progress of registration and election officers, intrusted with the machinery of the elective franchise.

The Grand Jury were able to find a bill against an inspector for substituting ballots of his own selection for ballots of an elector's selection, during the progress of polling, commonly called "ballot-box stuffing." Some legislation would seem to be necessary in regard to the selection of inspectors, if candidates are allowed, as appears by the testimony of Theodore Allen they were, to select through a partizan Committee in connection with the Board of Police, Inspectors and Canvassers.

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[A portion of the Memorial which relates to the Citizens' Association is here, for the purposes of this pamphlet, omitted.]

The Grand Jury are of opinion that the wholesale allegations in respect to frauds at the recent election are manifestly unfounded. This particularly appears when we consider that the whole police force of the city, political committees, largely interested in detecting frauds, and the Inspectors, Canvassers, and Poll-clerks at each poll being zealous and careful men, were each and all exercising the utmost vigilance in respect to frauds, and yet none have been brought to the notice of the Grand Jury, except those which ordinarily arise in any excited political contest, and which are comparatively trivial.

It will appear from the minutes of the Grand Jury and the testimony taken, that the Grand Jury, taking notice of the popular public rumors made by the successful party at the recent Presidential election against their opponents of fraud, deemed it advisable to investigate whether the parties making these wholesale charges were themselves capable of coming into Court with clean hands. With what result, the testimony itself will make apparent.

In accordance with the statute, the Grand Jury direct that this their report, which of course is only advisory and for the purpose of information, together with the testimony stenographically taken, and all together forming the minutes of the Grand Jury, be filed with the District Attorney, to be or not to be made public, as in the discretion given him by the statute he may elect.

CHARLES H. HASWELL,
Foreman.

JOSEPH H. TOOKER,
Secretary.

NOVEMBER 13, 1868.

Resolved, That the Grand Jury, having had before it many complaints for illegal voting, and illegal registering by individuals, and having ordered bills on some, deem it expedient to investigate into the alleged financial inducements to such offences; and, being informed by public rumor and by some of the members present, that excessively large sums of money have been raised in this County for election purposes, one individual claiming to have subscribed \$20,000, and another, \$40,000 for such purposes, order the District Attorney to subpoena such witnesses as he may, on conference with this body, deem advisable, for Tuesday morning, the 13th inst.

By order of the Grand Jury, the papers herewith attached, relating to the contumacy of Edwin D. Morgan, a subpoenaed witness, were ordered entered on the minutes, November 17, 1868.

SUBPENA FOR A WITNESS TO ATTEND THE GRAND JURY OF
THE COURT OF OYER AND TERMINER.

The People of the State of New York :

TO EDWIN D. MORGAN, corner of Thirty-seventh street and Fifth avenue — GREETING :

We command you, that, all business and excuses ceasing, you appear, in your proper person, at the Grand-Jury room, in the basement of the Sessions building, adjoining the Rotunda, in the Park, in the City of New York, on Friday, the 13th day of November, instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence before the Grand Jury, touching a certain complaint then and there pending against

Daniel E. Sickles, for frauds against the elective franchise, and this you are not to omit, under the penalty of two hundred and fifty dollars.

Witness, the Hon. George G. Barnard, Justice of our said Court, at the City Hall, in our said city, the first Monday of November, in the year of our Lord 1868.

A. OAKLEY HALL,
District Attorney.

State of New York, City and County of New York, ss :

JOHN WHITE, of the said city, being duly sworn, deposes and says: That on Friday, the 13th day of November, instant, he served a copy of the annexed subpœna upon Edwin D. Morgan, at his residence, corner of Thirty-seventh street and Fifth avenue, at about 9.30 A. M., by delivering the same to him in person. Further deponent saith not.

JOHN WHITE.

Sworn to before me, this — day }
of November, 1868. }

J. SPARKS, *Notary Public.*

TESTIMONY.

FRIDAY, November 13, 1868.

ALEXANDER T. STEWART, sworn and examined, testified as follows :

Foreman—

Mr. Stewart, the Court specially called the attention of this Grand Jury on the matter of election frauds, and the District Attorney also, and under their direction they have subpoenaed several parties, and requested the jury to take such action as they see fit on a certain order. Did you subscribe any moneys to or collect any for a political committee in the City of New York during the recent election canvass ?

Q. Did you subscribe any moneys to any political party ?

A. Yes, sir.

Q. How much ?

A. I should be pleased to ask a question, if I am permitted, of the jury. I am subpoenaed here by the subpoena to give evidence in relation to frauds committed by Daniel E. Sickles. I would be pleased to know whether the Court or Jury have a right to go into any matter than that for which I have been subpoenaed. I have nothing to conceal, and am willing to tell you everything that I have done in every way, but I merely ask whether legally you have a right to go beyond that for which I have been subpoenaed here this morning.

Foreman :

Q. I did not exactly understand your reply. Did I understand that you questioned the right of the jury?

A. I have nothing to conceal as to anything I personally have done, either with Sickles or any living man; but I am subpoenaed here to give evidence in relation to a certain matter. Can you by an easy track travel beyond that? I want the jury to decide that. I do not object to giving evidence, but I merely wish the question put. I hope the jury understand it.

[The witness allowed to withdraw.]

MARSHALL O. ROBERTS, sworn and examined :

Q. Do you know of any money having been given to Daniel E. Sickles for election purposes?

A. I do not.

Q. Did you subscribe any moneys for election purposes at the late canvass?

A. In relation to Mr. Sickles?

Q. No, sir; generally?

A. Is that the subject for which I am subpoenaed here?

Q. Did you subscribe any money to any political committee during the late canvass?

A. I have no objection to answer it; but as a matter of principle I decline.

Q. You understand that Mr. Sickles is charged with expending large sums of money, and the inference is reasonable that some one must have given it to him?

A. I have never given him any money, nor anybody for him; he never received any money of mine under any circumstances, at any time.

Q. Did you subscribe any moneys for the last election, and if so, how much?

A. I do not recollect.

Q. Did you subscribe any for fraudulent purposes?

A. None whatever—none of my money was so used.

Q. You do not recollect that you have ever subscribed any?

A. I did not subscribe any; subscribing is putting your name on paper.

Q. You know sending a check is giving a subscription?

A. I made no memorandum of it.

Q. How much money did you pay?

A. I should think \$500. It is impossible for me to say now—I don't remember—probably more.

Q. Did you subscribe as much as \$5,000?

A. I cannot remember.

Q. Did you subscribe as much as \$10,000?

A. I do not recollect that—I might perhaps.

Q. Did you subscribe as much as \$20,000?

A. I do not recollect.

Q. If you had subscribed more than \$10,000, and less than \$20,000, do you think you could have recollected?

A. Well, I should think probably I might; I have a faint idea it was over five hundred dollars.

Q. Do you swear positively that it was less than five thousand?

A. No. It was for tickets and printing bills.

Q. Did they present you any of those bills?

A. Some of them were sent to me. I suppose I shall see the bills pretty soon.

Q. Did you have charge of the printing?

A. I did not; I think it is very unreasonable to send the bills to me.

Q. You don't know whether it was less than twenty thousand dollars, or more than that?

A. I have not looked at my checkbook.

Q. Could you, by examining your checks, be enabled to inform the jury at the future day?

A. No, I do not think I could; I may have made entries; it is impossible really to tell with accuracy how much money I did spend. If I saw a poor cripple who wanted means, I would help him. I was at the head of the electoral ticket, and people ran to my side and front doors after money, and very often, to get rid of a bad-looking man, I gave him money.

Q. You refer to your contributions to charitable purposes generally?

A. Yes, sir.

Q. I am not speaking of charitable contributions; I am speaking about political?

A. I never gave *Sickles* a cent of money, and he has never asked me.

Q. Did the State Central Committee assess you?

A. No, sir, never.

Q. Did you subscribe to the Executive Committee of the State?

A. No, not at all.

Q. Did you send the Executive Committee of the State a check?

A. I did.

Q. Do you know the amount of the check?

A. My impression is—I will tell you, but I do not think you have a right to ask—I spent two thousand dollars for printing purposes. The first moment I could not tell, but my mind has been brought to the subject. They did not assess me; I sent them two thousand dollars.

Q. For what purpose did you suppose this two thousand dollars would be spent?

A. For printing; I thought it was fair and right.

Q. Did you send other checks?

A. No, sir.

Q. You drew no other checks for election purposes?

A. I do not recollect that I did.

Q. All the money you subscribed was two thousand dollars?

A. I did not say that. I recollect one single instance; I may have contributed to Wards through the city; they used to come to me from the First and Eighteenth Wards.

Q. Did you subscribe to an organization in the Eighteenth Ward?

A. I do not remember.

Q. Did you subscribe to any individuals who were candidates before the people in this county?

A. I do not think I did.

MATTHEW T. BRENNAN, sworn and examined :

Q. Did you ever see these books, or similar books before?

A. Never.

Q. Do I understand you, as Police Commissioner, you are prepared to say that you never saw these books in your office?

A. Never.

Q. Do you know whether the Police Commissioners paid for those books—a number of them?

A. The Police Board pays for a considerable number of books, but none ordered for that purpose.

Q. You do not recognize these books?

A. No, sir.

Q. You, as a Police Commissioner, as one of the Commissioners, never acted with your associates in ordering these books?

A. No, sir.

Q. Are those books similar to the books used in the Police Department?

A. The registry-books that we ordered from the stationer are of larger size than that.

Q. You, of your own knowledge, do not know that books of this size had been ordered, and no application had been made to you by subordinates?

A. I understand books were ordered by the Superintendent, that I would not pay for, used for private purposes.

Q. Has the Superintendent authority to order the books?

A. No, sir; they always do it on a requisition.

Q. No requisition was made for those books?

A. No, sir.

Q. Were those books ordered by the Superintendent?

A. I do not know; I understand such was the case; I never saw them until to-day.

Q. Was there any resolution passed by the Board of Commissioners of Police, designating or authorizing, or directing the Superintendent or any sub-officer of the Police Department to take a registry of the male adult population, over the age of 20 years, in the City of New York, at any time since the first day of July?

A. No, sir.

Q. Has there been any since you were a member of the Board?

A. No, sir.

Q. When were you appointed?

A. The first day of March. I know there was no such resolution passed; more than that, we understood the Superintendent that he would take a census of the population, and it was a long time before we could get any information; on that account, I stated if they used any stationery the Police Department would not pay for it.

Q. Did he make a report to the Commissioners?

A. He made a report to the Commissioners through the clerk; he employed men. Judge Bosworth made inquiry whether men were detailed for that purpose; there was a denial of it, and afterwards we found out that some men were detailed for that purpose.

Q. Do I understand that the Commissioners ordered the Superintendent to take a census?

A. No, sir; there is four in the commission; two of us did not know anything about it until they very nearly concluded.

Q. You say he made a report to the Board?

A. A week or ten days afterwards, through the clerk.

Q. What other member of the Board was ignorant of the matter, except yourself?

A. Judge Bosworth was ignorant of it.

Q. The other two Commissioners knew it?

A. I do not know.

Q. On the day of the election, parties who were arrested were taken before Judge James, at the Metropolitan Hotel,

and policemen, when asked the question why they did not take the prisoners before the Police Magistrates, stated that it was in consequence of orders received from a superior officer. Did the Commissioners pass any resolution directing the officers of the Police Department to take persons before Judge James, and not before Police Magistrates?

A. No, sir; the Superintendent did that on his own authority; it was no authority, in the minds of the Commissioners.

Q. Had the Superintendent any authority to proceed in that way?

A. No, sir; he violated the rules governing the body in doing so.

Q. But he did it?

A. I understand he did.

WILLIAM C. ROGERS, sworn and examined:

Q. What are you?

A. Stationer.

Q. Did you ever see this book before, or anything like that?

A. I have seen something similar.

Q. Did you make these books?

A. Yes, sir.

Q. Who ordered them?

A. Mr. Kennedy.

Q. Was it a written order?

A. No, sir; verbal.

Q. On what account did he order them?

A. He did not specify any account.

Q. On his individual account, or on a public account?

A. I understood it was a public account.

Q. Who did you enter it on the books to?

A. Charged to the Police Commissioners.

Q. Have you presented your bill?

A. Yes, sir.

Q. Did they pay it?

A. No, sir.

Q. Why not?

A. I have not had that thoroughly explained to me yet.

Q. Have they declined paying you?

A. Yes, sir.

Q. How many books were there?

A. Three hundred and fifty, I think.

Q. What was the amount of the bill?

A. Something over one hundred dollars.

Q. Do you furnish stationery for the Police Department?

A. A portion of it.

Q. Do you furnish all the stationery to the Police Department on verbal orders, or on written requisitions?

A. Sometimes on verbal orders and sometimes on written requisitions.

Q. When you furnish on verbal orders, from whom do you get the orders?

A. I have been in the habit of taking orders from almost anybody that is reliable—the Commissioners' Chief Clerk, Mr. Hasbrouck.

A. How often has Mr. Kennedy ordered you to furnish stationery on verbal orders?

A. Never but once that I remember.

Q. Was that this particular instance of which you speak?

A. Yes, sir.

Q. You never received orders from Kennedy except in this particular case?

A. No, sir.

Q. Did he say for whom they were made when he ordered them—did he represent anybody excepting himself in making the order?

A. No, I do not remember that he did.

Q. Do you know who the books were delivered to after they were made?

A. They were delivered to his office; my boys or porter delivered them at his office.

Q. In answer to a question just asked you by a juror you stated that, at the time you received this order, Kennedy

represented nobody but himself. Why did you make out a bill for the Police Commissioners?

A. Because I took it for granted that the work was ordered for the Police Commissioners as usual. Mr. Kennedy made some explanation in giving me the order that gave me reason to believe that they were for the policemen.

Q. What explanation did he make?

A. That they were books to detect fraudulent votes; he was going to make a perfect register of the city and county; that it was going to be done by the Police Board—going to use the policemen for that purpose.

Q. He made that explanation to you at the time?

A. In a casual way.

Q. About when were those books furnished by you to Mr. Kennedy?

A. About two weeks before the first meeting of the Board of Registers.

Q. Was it not earlier than two weeks?

A. Possibly earlier than two weeks; I cannot say exactly.

Q. Was it not done as far back as August?

A. I do not know; I would not be surprised but what it was. I would not pretend to give the date when they were ordered.

Q. If I understand you now, Kennedy represented that the Police office wanted the books?

A. I received an order from Kennedy to make those books, and, coming from him, I supposed it was for the Police Commissioners.

Q. He gave you no order to make out an individual bill for himself?

A. No, sir.

Q. He did not tell you at the time that it was for his own private use?

A. No, sir.

Q. You have not presented Kennedy with the bill?

A. No, sir.

Q. Was there anything in Kennedy's language that

you would infer that it was for his individual account or for that of the Police Department?

A. I stated already I inferred it was for the Police Commissioners, and requested the Stationery Clerk, who received my bill, to see Kennedy, and that he would explain that the books were all received.

Q. Did the Stationery Clerk see Kennedy?

A. I do not know.

Q. Was your bill certified before?

A. That I cannot say. I received a check with reductions.

WILLIAM A. DARLING, sworn and examined, testified as follows:

Q. Do you know of any money having been paid or handed over to, or put at the disposal of, Daniel E. Sickles, for election purposes?

A. No, sir.

Q. None whatever?

A. None at all.

Q. You subscribed some money, I presume, toward the general election fund, yourself?

A. Yes, sir.

Q. What was the general fund?

A. I subscribed to various applications.

Q. You did not subscribe, or know of any being given, to Daniel E. Sickles?

A. No, sir, I do not know what was done with the money I gave.

Q. To whom did you subscribe during the last canvass?

A. I subscribed to the Union League Club, to Charles S. Spencer—various small amounts on different applications from clubs.

Q. Did you subscribe to the State Central Committee?

A. No, sir; I subscribed to various meetings that were held.

Q. Is the "Union League Club" a political organization?

A. I do not know that it is ; I presume all the members are of one political faith.

Q. How much did you subscribe ?

A. One hundred dollars.

Q. At the time you subscribed that money was it for the purpose of defraying the expenses of the election, or was it for the purpose of carrying on the expenses of the club ?

A. That money was subscribed for the purpose of aiding in the canvass to promote the election of the Republican candidates. That was my object in subscribing.

Q. How much did you subscribe to Mr. Spencer ?

A. I sent Mr. Spencer a check for fifty dollars.

Q. Was it to him as an individual or as president of a political organization ?

A. He requested a subscription to aid in the holding of public meetings ; I told him I would do something towards it.

Q. Did you subscribe any large amount—amounting to \$500, or \$1,000, or \$5,000, during the late canvass ?

A. No, sir, I was pretty well cleaned out last Fall.

Q. Was there any part of this money which you subscribed to be used for improper purposes in the canvass ?

A. Not that I know of, or I should not have subscribed it for any such purpose. I guess Senator Bradley knows that.

Q. You have no knowledge of what became of the money that you subscribed ?

A. No, sir, no doubt they made a good use of it ; it did not do any good.

SHERIDAN SHOOK, sworn and examined :

Q. Did you subscribe any sums of money for political purposes during the late election ?

A. I think I have.

Q. What amount ?

A. I cannot tell.

Q. I take it you do not recollect ?

A. Yes, sir.

Q. Have you no means by which you could refresh your recollection?

A. I could not do it at this moment.

Q. Did you give checks or bills?

A. My impression is it was bills.

Q. You gave no checks at all?

A. I do not think there was, still I would not swear I did not.

Q. For what purpose did you give that money?

A. For the purpose of manning the polls—the usual purposes of an election.

Q. To what parties did you give it?

A. I desire to raise one question. I am called here to testify as to the complaint against Daniel E. Sickles. I submit whether these questions have anything to do with this case, or that I have the right to answer them.

Q. I ask the witness for what purpose he subscribed this money?

A. I have answered the question—for the purpose of getting boxes, procuring challengers, and other necessary expenses.

Q. To whom did you give the money?

A. I decline to answer the question.

Q. Did you give any money to Daniel E. Sickles?

A. No, sir.

Q. Did you give any money to any one to be used by him?

A. No, sir.

Q. Did you give any money for any specific purpose beyond printing, for boxes, and the necessary expenses of the canvass?

A. Not that I am aware of.

Q. Do you know of Daniel E. Sickles receiving any money for election purposes?

A. No, sir.

Q. Did you know of any one in communication with him, receiving any money for election purposes?

A. I do not understand the question.

Q. Any person acting as his friend or clerk, or acting in his behalf?

A. Not that I am aware of.

Q. Of the moneys which you subscribed, were any of them given for any improper purposes in conducting the canvass?

A. No, sir; all the money I gave was given to the proper committees.

Q. Do you belong to the Republican General Committee of this county?

A. There are two Republican committees.

Q. I mean the Radical committee?

A. No, sir.

Q. Does the jury understand you to say that you do not, either directly or indirectly, know of any sums having been appropriated for the use of Daniel E. Sickles for election purposes?

A. Yes, sir.

Q. You say that clearly and distinctly?

A. Yes, sir, I have seen very little of General Sickles; I have scarcely exchanged words with him—not over once or twice.

Q. Do you believe any money was given to him for that purpose?

A. I have no belief upon the subject.

THOMAS MURPHY, sworn and examined, testified as follows:

Q. Mr. Murphy, do you know of any moneys having been paid to Daniel E. Sickles, for election purposes?

A. I do not.

Q. Neither paid to him or any of his agents?

A. I do not, sir.

Q. Do you know of any money having been subscribed for that purpose by other parties?

A. For Daniel E. Sickles, I do not.

Q. Do you know of any money having been subscribed for election purposes outside of the ordinary and necessary expenses—poll tickets, books, the traveling expenses of speakers, &c.

A. I do not know of any money subscribed for ordinary expenses, except to prevent frauds.

Q. What do you mean by that?

A. The money was spent in employing clerks and counsel in examining the registry-books. They were examined in Room 15 of the Fifth Avenue Hotel.

Q. Who brought them there?

A. That I could not tell you.

Q. Were they authentic registers?

A. I believe they were—that is my impression; I could not swear to it.

Q. By whom were those books examined?

A. They were examined by Clerks; on some of the nights fifty were at work.

Q. Under whose direction?

A. Mr. George Bliss.

Q. Who was present besides Mr. Bliss at Room 15?

A. The Clerks filled the room so that it was impossible for any one to get in; I used to step in once and awhile and others.

Q. Did you give any direction in relation to having the registers brought there?

A. No; but the committee, of which I was a member, advised that policy, and appointed Mr. Bliss Chairman of the Committee on Frauds. I was not on the Committee on Frauds.

Q. Were you in the room during the time the examination was going on?

A. I used to step in and out there, but I never examined the books myself. Most of the committee were in and out. The committee was composed of fifty.

Q. Did you see Mr. Acton?

A. Mr. Acton was in there, but never to look at the books.

Q. Did you see Mr. Manierre?

A. I never saw him examining the books.

Q. Did you see Governor Fenton?

A. No.

Q. Did you see Hamilton Harris?

A. I think Hamilton Harris was in there.

Q. Did you see Mr. Terwilliger, the Clerk of the Senate?

A. I never saw him examining the books; he was there.

Q. Did you ever look at any books yourself?

A. No, sir; I did not.

Q. You could not say whether this is one of the books or not?

A. No; I could not.

Q. Was the Superintendent of the Police, Mr. Kennedy, present?

A. Not during the examination of the books.

Q. From whom were those books obtained?

A. That I could not tell you only from general knowledge. There was a meeting of Republican canvassers and inspectors, and at that meeting they were requested to bring the books to see if any names were fraudulently put upon the books. Those clerks were employed for that purpose. We found a great number of them, hundreds and thousands.

Q. I understand you, at the meeting of the Republican inspectors and canvassers, they were directed to bring their books immediately after the close of the registry?

A. Yes, sir.

Q. Do you know who gave instructions to the Inspectors of the Registry to bring these books to Room 15?

A. They were requested by John H. White and George H. Bliss; I think these were the Committee appointed for that purpose; I presume the instructions came from them. I am perfectly willing to answer all these questions, but I do not see that it has anything to do with General Sickles.

Q. Was Sickles present at Room 15?

A. No, sir; I never saw him.

Q. You say the bringing of the registry-books was at the request of certain gentlemen; are you sure it was the registry-books themselves, or copies?

A. My impression is that it was the registry-books themselves.

Q. Could you give the grand-jury a list of the frauds you found?

A. I do not know that I could. On the first two days of the registering I think the number of frauds amounted to something between four and six thousand.

Q. Can you suggest to the jury how we can get at these?

A. They canvassed the district and got the legitimate voters of the district, and found in certain houses the names of persons registered who did not reside there.

Q. Did you have evidence before you that the parties did not reside there?

A. Yes, sir; I believe they got the evidence. I believe there is one gentleman who states that twenty were registered from his own house; it was not a boarding-house.

Q. Do you know whether they voted?

A. That I do not know; I have no means of getting at them; I presume Mr. Bliss has got all those papers.

Q. Did I understand you to say that the canvassers were requested to bring with them the registry-books?

A. Immediately on the closing of the registry.

Q. Were the canvassers all Republicans?

A. I presume they profess to be Republicans—all of them that came there.

Q. Did you know it was a misdemeanor to take those books to Room 15?

A. No, sir; I did not know.

Q. Don't you know that the books should be immediately returned to the Bureau of Elections, Police Headquarters?

A. I do not know; I am only giving you the general impression I got—not facts at all; I do not know whether they were registry-books or not.

Q. Have you any doubt of them not being the registry-books?

A. I supposed they were, but I do not know it as a fact.

Q. It was the books that the registers kept that had the registered names—they were brought to this room at night?

A. I presume that is the way it was done.

Q. Were you in Room 15 on the Sunday previous to the election ?

A. I do not recollect.

Q. Did you hear any Republican register instructed to bring the registry-books ?

A. I was not at the meeting when those instructions were given ; I only heard what was said.

Q. Will you state to this jury how much money you subscribed for election purposes ?

A. I do not think it is a proper question ; I subscribed money for election purposes.

Q. How much ?

A. Allow me to ask if that is not going into my private affairs ? I am perfectly willing to answer, but I do not think it is a fair question. In fact I could not tell you ; I subscribed so much I would have to look over my cash-book to see what it was.

Q. Who received your money ? Who acted as treasurer ?

A. I acted as treasurer, myself, of that Committee.

Q. What was the largest sum you ever dispensed at one time ?

A. Well, now, I am entirely willing to answer these questions ; but I do not see that it applies to Gen. Sickles, on which subject I am subpoenaed.

Q. I ask you this question, and you decline to answer. I now ask you to whom that money was paid ?

A. I am perfectly willing to answer, and I will answer it, if you say you have a right to ask it. The largest sum I paid, at one time, was two thousand dollars ; it was for counsel fees.

Q. To whom ?

A. James T. Brady.

Q. As treasurer of the fund, how much money did you receive ?

A. I was only treasurer of the fraud fund.

Q. As I understood you, the moneys you subscribed

were not for the purpose of obtaining fraudulent votes, but for the prevention of them?

A. Yes, sir, so far as my knowledge is concerned, nothing was used but to prevent frauds and to man the polls.

Q. Have you any objection to state how much you gave?

A. I believe the whole amount did not exceed twelve thousand, the amount that was paid to clerks by the committee.

Testimony of JOHN A. KENNEDY [taken by foreman—Stenographer absent]:

Recognized the books submitted to him; they are records of the inhabitants of the city, entitled to vote, as determined by the officers inquiring at residences; their custody is the Police Headquarters; does not know of these, or like books, having been taken to the Fifth Avenue Hotel; has no knowledge of any such proceeding; does not recognize the marks ✓ and ×, and does not know who made them; is a member of the Loyal League Club; has not attended any political canvasses or committees during the recent canvass; has not any *direct* evidence which will establish frauds during the recent election; there were two inspectors and one canvasser, of each political party, at each of the late election polls; the police and the public were urged to vigilance, against frauds at the recent election; does not know how the arrests for frauds, at the late election, would compare with prior elections; did give orders to hurry up the canvass, in some cases, when canvassers were dilatory.

Testimony of D. B. HASBROUCK [taken by foreman—Stenographer absent]:

Inspectors of Registry are appointed by Police Commissioners; removals are made in like manner; there were many changes of inspectors at late election; does not recognize the books submitted to him. The registry-books,

deposited in his bureau, have not been lent or parted with to his knowledge.

MONDAY, November 16, 1868.

JUDGE BOSWORTH, sworn and examined :

The books were not ordered by the Board. There were books, many of different sizes and some in that form, filed with the Clerk. What was done with them afterwards, or what use was made of them, I know not.

Q. These books were not ordered under a requisition or direction of the Board of Commissioners?

A. Not at any meeting at which I was present or of which I have knowledge.

Q. Have they been paid for, or ordered to be paid?

A. Not by any order of which I have any knowledge.

Q. Would you, as a member of the Police Board, if the question came up, consider that the Metropolitan Police Board should pay for them?

A. That I would consider;—what was to be said by the Commissioners, *pro and con* whether I would have anything to do with it. I could hardly tell how I would vote until I would hear all that was to be said.

By DISTRICT ATTORNEY—

Q. Judge, assuming that it should be in evidence that these books were taken at night from the Police Headquarters to the rooms of a political Committee, would that be an act coming within the scope of the Police?

A. I am not aware, at present, of any rule or order that should make it proper to go to any such place.

Q. Is there any rule or usage in the Department requiring books and papers, that belong to the Department, to remain on file for record?

A. They are to remain there, as I understand it.

Q. Is there any rule, of the Police Department, which

forbids the wearing of a political badge by any officer of the Department?

A. Not as I remember. I would not want to answer about that more than I would as to certain things in the Statute. Our rules are against officers taking part in a political meeting. As I understand the matter, the thing would be censured at once, if it was discovered, for the reason that it would tend to demoralize the force.

Q. Do I understand that books similar to these, in appearance, were the property of the Police Commissioners?

A. I said that was a nice question; if these books had been bought with police funds and paid for on general principles, I should say they ought to belong to the Police Department as representing the city and county.

Q. Were they paid for?

A. I cannot tell you; I am not treasurer; I do not know how they got in there; besides those books there are quite a number of books about the size of bank pass-books which were, probably, originally memorandum books. Those books have in the front of them a diagram of a block, or a part of a block. I wish to be permitted to say, in behalf of Mr. Acton, that he is not really in a condition that he ought to be asked to come here to-day.

MOSES H. GRINNELL, sworn and examined, testified as follows:

[The District Attorney read the resolution passed by the grand jury requesting him to conduct the examination of witnesses.]

Q. Mr. Grinnell, were you treasurer of any political fund during the last election?

A. I was the Treasurer for the Boys in Blue.

Q. Did you, at any time, ask Mr. Stewart for any portion of the sum of \$20,000, said to be subscribed by Judge Pierrepont?

A. No, sir; I never asked him for any portion of it.

Q. Did you have any communication with him or Judge Hilton about it?

A. Not specially in regard to that sum or any other.

Q. During the late canvass, how much money passed through your hands as treasurer of a political fund?

A. I suppose I paid something like eight or nine thousand dollars for the Boys in Blue, for their dress and outfit—the most of it was for that purpose.

Q. Does that comprise all the amounts that were paid out by you in any capacity during the last canvass?

A. I paid out in my own individual capacity donations frequently to the different committees, for the purpose of defraying the expenses of the election. I paid generally when I was called upon.

Q. Did you have any conversation with Judge Pierrepont in relation to his subscription of twenty thousand dollars?

A. No, sir.

Q. Are you acquainted with Hamilton Harris?

A. I know him, sir.

Q. How much money during the late canvass did you collect for political purposes altogether?

A. I do not know how much; I gave freely myself and collected all I could, and whatever I received I paid over to different committees.

Q. Can you give any approximate idea of the maximum?

A. Probably I paid eight or ten thousand dollars myself to the different committees.

Q. Those moneys were collected in this County, were they not?

A. Some in this County and some elsewhere.

Q. Eight or ten thousand dollars, your own individual subscription?

A. Money has been remitted to me, from through the State and from other States, in very small sums, for the Boys in Blue.

Q. Were you in the Fifth Avenue Hotel at any time when the books of registry were there?

A. No, sir; I do not know when they were there; I never was there, to my knowledge, when the books were there, nor did I ever hear a rumor that they were there.

Q. Of the moneys which you collected, and which were handed over to the committees, and which you paid yourself, was any portion of that to be used for improper purposes in the election?

A. Not to my knowledge.

Q. Do you know of any illegal or fraudulent votes having been cast at the last election?

A. I know nothing, only by rumor in the newspapers; of my own knowledge, I know nothing of it.

By DISTRICT ATTORNEY—

I desire to serve the grand-jury with evidence furnished of two subpoenas being sent to Senator Morgan.

JOHN H. WHITE, sworn and examined, testified as follows:

Q. Mr. White, have you any personal knowledge of any police directory books of election districts having been before a political committee that met at the Fifth Avenue Hotel?

A. I do not know what books you refer to; that committee had books there.

Q. Were they books of that character? [Books shown.]

A. No, sir; the books that I refer to were wider—regular registry-books—books that are used by registers on election day. We had a quantity of those and smaller books.

Q. Look inside of them and see if you recognize books like that. Did you have occasion to inspect any books like these?

A. No, sir, I did not.

Q. You do not know of any having been there?

A. The matter of books was not specially under my charge; it was only incidental so far as I was concerned.

Q. Who had charge of this?

A. I think George Bliss, Jr., had more charge of the books, although the books I speak of, what we call the registry and challenge book, was frequently in my hands, and I gave some directions; all those were books we made up ourselves.

Q. Did you have before your political Committee any books belonging to the public?

A. Not that I am aware of.

Q. Did you have any registry-books ?

A. Our registry-books were made up from copies that were taken from the original books of the inspectors.

Q. Who bought those books—larger than that ?

A. We bought them.

Q. Was there not a copy of the registry-books before your Committee ?

A. No, sir ; we had registers that took a copy of the names registered on each election day, usually on slips of paper, of such a district ; these names would be handed in and transcribed into books that we purchased.

Q. The official registers furnished the names ?

A. Yes, sir ; they did some, and some were hung up in the public places where we could examine them.

Q. But books like those you never saw ?

A. No, sir.

Q. I officially observe, and I believe the grand jury also, that you have the honor to be on a Committee for investigating into election frauds and irregularities. If you have any evidence which, as a lawyer, you regard of a practical and original character, I should be officially very much obliged if you would furnish me with it, if you have any such evidence now ?

A. I can say that during the progress of the investigations, as a member of that Committee, we found a great many things that led us to believe that there were frauds being perpetrated in the way of large quantities of false naturalization papers and illegal registration, more or less of which papers are in the possession of myself and others—the matters that you refer to now. It was deemed expedient by those who desired to have the subject investigated to have a Committee appointed. I am an ornamental member of that Committee. I have not yet anything to do with it, but probably shall have.

Q. At this time are you not cognizant of what we lawyers call original evidence ?

A. Well, sir, what I have in my possession, the documents and papers, if they are truthful, show a good many

frauds. Parties that say they never went to court; a good many papers have been surrendered and some books that we have got that have been used by repeaters, going about putting their names in various districts; we have got their names, and found by comparing these names on the registers, that they have been registered.

Q. Have you any persons that you can trace, as responsible for the possession of these repeating-books?

A. I think so; I think we can reach parties.

Q. Have any of these been arrested?

A. I think one or two have been indicted in the United States District Court; I have been so informed. There was on the last day of registration some repeaters, over in the Seventh and Tenth Wards, that went round registering; eight of them were arrested; we have got their books; they were discharged that very evening, upon a writ of *habeas corpus* issued by Judge Barnard; I don't know who the parties are, or where they belonged.

Q. The books were taken from them that you have?

A. They had books with them,—admitted that they were their books.

Q. We should be very happy, if your Committee think it consistent with their duty to furnish us with any of that evidence, if they would do so?

A. I say that the Committee have not progressed very much; I do not know how it will ultimate; it would not make any personal difference with me. We think we can show that frauds were being perpetrated which require some additional legislation. I should be very willing, indeed, to communicate with the District Attorney, when we get information, that I think may be valuable to him. From the books and documents we have, many of the facts have been shown. I saw some parties this morning (and I think we are not misguided) who obtained papers, and had been arrested. I recommended their discharge because I did not think they had the intent. I thought they had been tools; they were before Commissioner Osborn. I received a letter on Saturday, from a man up in Dutchess County, in which he stated he employed sixty

men, and they all had received their naturalization papers, dated the 19th of October, 1868, issued in the City and County of New York, and not one of the men came to the city; he kept a pay-roll and knew they had not left their places. Another man, in Haverstraw, states he employs thirty men, all of whom received their papers, and none of them had been to the city or taken an oath. This is the nature of some of the frauds we are investigating, and they come in from all directions. Some papers are sent to us that have been surrendered.

Q. Did they vote in the City of New York?

A. No, sir.

Q. The object of your committee's investigation is rather more for the purpose of procuring evidence in respect to enforcing additional legislation than to prosecute parties?

A. That is the sole object, so far as I am concerned. I can say frankly I do not think the committee can attain any object in contesting the late election.

Q. After your committee has discharged its functions, if you have any evidence, if you will have the goodness to furnish it to the authorities, we will act upon it.

A. I should be happy to do it.

Q. Do you know of your committee having passed a resolution requiring the Republican Registers to bring the registry-books at the close of each day to the Fifth Avenue Hotel?

A. No, sir; I had that whole matter in charge.

Q. The organization did not?

A. No such resolution passed.

Q. It was sworn to by Mr. Murphy?

A. Mr. Murphy is mistaken. Mr. Murphy does not know anything about that matter. In the first place the Republican inspectors, or those supposed to be Republican inspectors, were invited to meet at Room No. 15, or a public room across the way, for the purpose of being instructed in their duties. That was before any registration took place at all. It so happened I went over and gave them such instructions that the exigencies of the case demanded. The request was made that as fast as they registered they

should make a transcript of their register and send it to Room No. 15 at the end of each day's registration, so that we could make up a list. Some of them might be on books, but generally they came in on manuscript papers, and from these manuscript papers they were copied by our clerks on the books. It seems to me that some of the registers did bring blank books that they had bought.

Q. Did you see any book of the registry brought to this place—any original registering book?

A. I do not know that there was any brought there; they were handed in and we took them; we have got them now, and they could not be registry books; I have got them now. We asked for a copy of the names that were registered, so that we might see if the parties who registered live there, so as to make up challenge books, &c.

Q. Do you know of books being taken from the Police Headquarters to the Fifth Avenue Hotel?

A. None, to my knowledge.

Q. Have you any knowledge that you are prepared to impart to this Grand Jury in reference to fraud?

A. I have no personal knowledge; I simply state what has come under my observation; I do not know, of my own knowledge, that any one voted illegally.

GEORGE BLISS, JR., sworn and examined, testified as follows:

Q. I have been directed by the Grand Jury to examine some witnesses that have been brought before them. Will you have the kindness to look at these books and say whether, during the recent canvass, you saw books of which these are specimens, at any place or any time?

A. I cannot say that I ever saw that book.

Q. Or books like it?

A. I did, sir.

Q. Where were they?

A. Some books that I ordered made by W. C. Rogers & Co.

Q. You ordered them on your own responsibility?

A. I did, sir.

Q. When made, where were they sent?

A. To Room 15, Fifth Avenue Hotel.

Q. Did you see, during the recent canvass, books with entries like those inside of them?

A. Those books that I refer to had entries.

Q. What was inside of the books?

A. A series of names; the books that I refer to had the names of persons who had registered as voters.

Q. These books that I have here, purport to be directions of persons actually residing at certain numbers in certain streets. Had you any such books as these before you?

A. These books that I refer to had not the names of the residences of people; they were arranged by street numbers.

Q. Containing the actual residences?

A. Contained the names of the persons who had registered as voters.

Q. Had you, apart and separate from those books, an inspection of any books like these which had in them the names of parties residing at stated places in the City, who had at those stated places given their names?

A. I saw certain other books, but I do not know that they contained what you describe.

Q. Do you know where those books that you saw came from?

A. I know where I saw them; I saw them at Police Headquarters.

Q. Do you know, of your own personal knowledge, whether those books that were taken up to the Fifth Avenue Hotel were the same as you saw at Police Headquarters?

A. Of my own personal knowledge I do not know.

Q. Did you ever see any like the books that you saw at Police Headquarters up at the Fifth Avenue Hotel rooms?

A. The books that I refer to as having been ordered by myself, were like these.

Q. I mean books containing like entries to those which you saw at Police Headquarters?

A. I have no means of distinguishing the different entries; each contained names under the number of the street.

Q. Obtained apart from the register?

A. I do not know how they were obtained.

Q. The books you saw were not registry books?

A. No, sir.

Q. It was merely an election directory?

A. I saw, at Police Headquarters, books similar to that which you showed me, which were copies of the police records.

Q. Did your Committee have any copies, or order any copies, made of the Police Directory or police record, that you have just been speaking of?

A. I undertook to get copies of the police records.

Q. Have you any knowledge of those copies being taken from the Police Headquarters?

A. The copies that I procured were, I think, some of them taken from Police Headquarters.

Q. Were they taken of an evening, in a carriage, do you know?

A. I have no knowledge that any were so taken; I do not think any were ever so taken.

Q. If any books were so taken of an evening, from the Police Headquarters to the Fifth Avenue, it was not with your knowledge?

A. No, sir; I speak with the greatest confidence when I say that no books were taken to Room No. 15. They may have been taken somewhere else.

Q. Are you able to tell what handwriting is in this book here—the handwriting of any persons employed by you?

A. No, sir; I have seen that handwriting, but I cannot say where. This handwriting, I do not remember ever to have seen; I had some eighty clerks employed; it is impossible for me to identify the handwriting.

Q. Do you know anything about marks being made in these books, with blue pencil?

A. I do know of marks being made in some books.

Q. Who made those marks?

A. I cannot tell you.

Q. You do not recognize, either of these books, as ever having been personally submitted to you?

A. No, sir; I do not.

Q. These books have a blue mark—would that help you to any identification.

A. They might have the blue marks, and I never have seen them.

Q. Did you have before you, at any time, any of the books of registry of the City of New York?

A. I had copies of the registry.

Q. Who furnished those copies?

A. Copies were furnished in some cases by inspectors themselves, and in other cases by persons whom I sent to copy the register.

Q. I believe you assisted Judge James on the day of election at the Metropolitan Hotel, Mr. Bliss, or acted in his behalf?

A. No, sir; I saw Judge James with a number of other gentlemen.

Q. Did you not follow up any complaint?

A. I did, sir.

Q. Do you remember of a *habeas corpus* being issued by Judge James; have you any personal knowledge of that—an inspector under arrest?

A. Yes, sir.

Q. Was the *habeas corpus* issued while the inspector was actually under arrest before him?

A. My recollection is that it was not—in fact I am very sure.

Q. He was brought there under a *habeas corpus*?

A. Yes, sir.

Q. He was discharged, was he not?

A. He was.

Q. Do you remember whether any notice of the issue of that *habeas corpus* was given to the District Attorney?

Q. I do not know anything about that. In reference

to that I think I filled out the petition at the request of the gentlemen who came there.

Q. The party was brought before Judge James and on the hearing discharged?

A. Yes, sir.

Q. You were there?

A. Yes, sir; I was there at the time Judge James expressed the opinion that an infamous outrage had been committed upon him.

Q. What was the attorney's name signed to the writ of *habeas corpus*?

A. Henry Hilton.

Q. You have no personal knowledge as to whether or no a notice was or was not served upon the District Attorney?

A. I know nothing about it.

Q. Where you present when Judge James heard the case?

A. I was, sir.

Q. Do you know whether there was anybody there to represent the people?

A. I cannot tell you; there were a considerable number of persons.

Q. I mean any officials of the county?

A. There was a gentleman there whom I suppose did, but I do not know the fact. A person came in at the same time that the prisoner, the inspector, came in, and I thought he represented the people.

Q. What I want to get at, the party who was brought before Judge James and had counsel, who urged his discharge, and there was no one present on behalf of the people to oppose his discharge?

A. I understand that the gentleman who was there, was there on behalf of the people, opposing his discharge in this sense, that he said the ground of his retention was a written document, which he produced, and left with the judge to say whether that constituted a sufficient ground for his discharge or not. Judge Hilton said that it very clearly did not. I think that was about all that occurred.

Who this third person was I did not know. I supposed him at that time to be a lawyer.

Q. You do not know his name ?

A. No, sir ; I do not.

Q. At any rate there was no one there claiming to represent the District Attorney ?

A. I do not know what he claimed ; I supposed he represented the District Attorney. He came in, apparently, acting with a view of having the man detained.

Q. Well, the party under arrest, and who was discharged, was an inspector, was he not ?

A. It was so stated, and the returns showed a commitment of him by two of his fellow inspectors.

Q. Do you know, whether the two who committed him, were of an opposite political faith to the one who was committed ?

A. I know nothing about that ; it was so stated at the time.

Q. The statement was made that the party, who was before Judge James, was of the same political faith of Judge James ?

A. No, sir ; personally, I do not know ; by reputation, I did not know that J. S. Urmy was a republican, at any rate. I may say, when the *habeas* was applied for, it was not till the return was made that Judge Hilton, or any body had any idea under what process he had been committed ; he supposed he had been arrested by a deputy sheriff, without process. Some time prior to the election, I learned that Mr. Kennedy had made what was called a census of the City ; I learned that through the newspapers. I asked the Police Commissioners if it was so, and two of them, at least, told me they knew nothing about it. I asked Mr. Kennedy, and he said it was in process. I asked what use was to be made of those books, and could get no information. It went on, and I asked if those books could be used subsequently for the purpose of preventing or detecting frauds in the registration. I was told that that was a matter that could not then be

answered. Subsequently, I was told that the original books had been directed to remain in the Police Headquarters, and not to go out. I then asked if I was at liberty to see them. I was told that, like all the records of the City, unless there was some particular reason, they were open to my inspection. I sat down in the office and examined some of them. I then made the remark that, being public records, I supposed I had a right to copy them. I immediately took means to have copies made of them, and I found that, as to some of them, copies had already been made.

Q. By whom were the copies made?

A. They were made by clerks whom I employed. I employed clerks, and paid them to make them in the Police Headquarters. There were some clerks who were there whom I induced to stay over hours and make them, but I also got clerks from outside.

Q. Those books that had been copied, you did not have any additional copies made, but used those copies, and these were loaned to you?

A. Nobody loaned them to me; I asked if those books were public and I was told that they were not—that they were private property—that the pass books were the public books. I took them and used them, such as you have got there. Those checks were all made at headquarters; that is my impression, I would not be certain.

Q. Do you know the signification of those checks?

A. I do.

Q. What does the cross mean?

A. A plain check means that a person similar to that, or a name precisely like it, had registered; the cross means that a person of a similar name had registered, and probably it was the same person. For instance, you would find John Wagner, who had registered, and James Wagner would appear on the police record.

Q. When did you order those books?

A. It is impossible for me to tell. I should think it was the same day that I first saw a book of the same kind.

I think the same day I first saw one of the original pass-books, and also one of those books similar to that Mr. Hall has in his hand.

Q. Was it before the registry commenced?

A. O yes, sir; your suggestion enables me to say it was probably the week previous to the first registration; I should think, perhaps, the Wednesday; I know I hurried them up to have them ready before the registry commenced.

Q. You say you had eighty clerks employed?

A. Yes, sir.

Q. Did you pay them individually out of your own pocket, or did you pay them out of funds furnished by a political organization?

A. I paid them.

Q. Did you pay them as an individual?

A. I decline to answer the question on the ground that I am brought here on a subpoena as to election irregularities; you have no right to go into this matter.

Q. For what purpose had you copies taken?

A. For the purpose of taking means to prevent illegal voting.

Q. And no other object?

A. No other object—illegal registration and voting.

Q. Did you order those books yourself?

A. I did sir.

Q. From Mr. Rogers?

A. From Mr. Rogers—the books which I had seen, he had a previous order for these, from somebody.

Q. How much money did you pay out?

A. I decline to answer.

Q. Which was the most numerous, the books that you had copied by your own clerks or those which you found already copied?

A. I should think decidedly that the books I found already—about half and half.

Q. Those that had been copied, what wards did they represent, do you remember?

A. I do not think they represented any particular ward, they were scattered all over the City, as I recollect it.

Q. Those books had been copied in sequence?

A. No, sir; I got copies of the names that were registered and took those to the Police Headquarters and compared them with the copies that had been made.

Q. The copies that you found at the Police Headquarters that had already been made—did you take these away?

A. With reference to that, I decline to answer the question. I decline to answer on the ground that the subpoena issued does not authorize you to go into that.

Q. Were you furnished with a fund by any political organization in the City of New York?

A. I decline to answer.

Q. Were you furnished by the Police Commissioners with any funds?

A. No, sir.

Q. Did you order the Inspectors and Registers, upon the completion of their registry on each evening the registry was completed, to bring those books to any particular room in this City?

A. No, sir.

Q. Did you bring the Inspectors before you and give them those instructions?

A. No, sir; I had no right to give them instructions. The Inspectors came to Room 15 for two or three weeks preceding the election, and there was something or other in the nature of a conversation more than anything else as to their duties as Inspectors—very much such a meeting as I heard was held at Tammany Hall by the gentlemen on the other side. The Inspectors were asked to bring copies of their registers of the two first days and of the two last days.

Q. You do not know whether these books were the original copies or copies of the original?

A. I have no knowledge; these might possibly have been; I will not say that these were not. They were asked to bring the original registries there.

Q. You are positive you did not ask them to bring them there?

A. Yes, sir; it is possible in certain cases where persons said they had not time to copy them. I think I did.

Q. Some of the registry-books came there?

A. They might have come there.

Q. You advised that course?

A. I asked them if they would.

Q. Do you know they did?

A. I cannot say that they did, and I won't say that they did not.

Q. Did you make copies?

A. I had copies made of some of the original registry-books.

Q. Do you know what districts or what wards?

A. No, sir; I do not.

Q. Mr. Murphy in his testimony stated that resolutions were passed directing the registry-books to be taken to Room 15, where copies were to be made.

A. Mr. Murphy is utterly mistaken; Mr. Murphy knew nothing about it; he came in there occasionally; I will say, further, Mr. Murphy does not know to-day the difference between that book and the register. He supposed the book you showed him, when he was on the stand, was the original register.

THEODORE ALLEN, sworn and examined, testified:

Q. Your place of residence and business, I believe, is the corner of Prince and Mercer?

A. Yes, sir.

Q. Prior to the last election were you, or not, furnished by any one with a list of names for canvassers in the Eighth Ward?

A. Yes, sir; part of a list.

Q. Furnished you to be nominated for canvassers?

A. Wanted me to see if I could get those men appointed as canvassers.

Q. Who was it handed that list to you?

A. I think Mr. Johnson gave a few names.

Q. He was a candidate for Assembly?

A. Yes.

Q. Do you remember how many names were upon it?

A. No, sir; I could not tell.

Q. Ten?

A. Yes; I think there was a full list made out of twenty, for the Assembly District.

Q. To whom, if any one, did you hand that list?

A. I will tell you. There was a list made out, and I left it at the rooms of the Fifth Avenue Hotel; afterwards, the list was revised, and re-revised again.

Q. Did you revise, or re-revise the list?

A. No, sir; Mr. Johnson revised the list.

Q. Did he hand it to you again?

A. Yes, sir.

Q. You then gave it to the Committee?

A. Yes, sir.

Q. Were any of the gentlemen whose names were on that list, that was handed to you by Mr. Johnson—and handed by you to the Fifth Avenue Committee—appointed as canvassers?

A. I think there was.

Q. Were not nearly all, if not all, appointed canvassers, and acted as canvassers?

A. No, I think not; part of them. I could not tell whether there was a majority; I know some of them personally were appointed. I do not know whether they were appointed from my list; they may have been on the list handed in by the republican organization.

Q. You handed in a list of names, some of which were subsequently appointed and acted?

A. Yes, sir.

JAMES MCGOWAN, sworn and examined:

Q. I understand you were one of the Inspectors at the last election?

A. Yes, sir.

Q. Which district were you in?

A. Eleventh District of the Sixth Ward.

Q. Were you there at the first day's registration?

A. Yes, sir.

Q. And the second day's and the day of election?

A. Yes, sir; up to the finish.

Q. From the time that your duties commenced on the first day of registration, down to the time that your duties ceased as Inspector at sunset, on the day of election, how many different associates did you have as registers?

A. On the opposite side they sent eight different men—eight different Republicans all that time. The first day I had two, and four on the second day, and they changed them on the third day; that made eight altogether that they had changed. There were four changes made—eight different men.

Q. Would that change occur during the progress of registration?

A. Yes, sir; they sent three in the first place; in the morning another acted about two hours. Two remained on Saturday till about noon; they sent two others, and they acted up to the finish of the election.

Q. Are you personally cognizant of any registers taking books up to the Fifth Avenue Hotel?

A. I know they did; I heard them say so. There was one book they wanted to take up to the Fifth Avenue Hotel; they made no secret of it.

Q. Did any of your brother registers ask for original books to take up to the Fifth Avenue Hotel?

A. They had their own, and they did not ask for mine. I heard them say one would take his book up to the Fifth Avenue.

Q. Was his name Phalon?

A. Phalon was one of them; he had instructions to take his book up to the Fifth Avenue Hotel; I heard him say so to his colleague. It was reported in the papers that my district was overrun in the register, which is not the case. The register was 871 and I voted 864; that was short of the register.

Q. Did the register that acted with you, the last day, sign the books ?

A. No, sir ; one of them told me, confidentially, that he had instructions not to sign it.

Q. From who ?

A. I do not know who from ; said he, " I was told when I came here, not to sign this book ;" I said, " Very well, we will do without it."

Q. Who was that ?

A. Phalon.

Q. Can you give us the names of any Inspector that took a register—do you know, actually of your own knowledge, that any one did take one up ?

A. No, sir ; I heard him say that he was to take it up there.

Q. Did Phalon, at the time he said that, take a book with him ?

A. Yes, sir ; these books were not finished ; one would put it on the other.

Q. Was any person sent there to copy the register ?

A. Yes, sir.

Q. Were they competent persons ?

A. They appeared to me so. They had several names copied on paper before they could enter them on the book. They would be changed, and the consequence was the names on the paper would be neglected. Our two books were complete ; they have a copy at the Headquarters, and I have a copy myself signed by the two registers.

The other two refused, and they said they refused on instructions.

GRAND-JURY ROOM, TUESDAY.

GEORGE W. HOFFMAN, sworn and examined, testified as follows :

Q. Mr. Hoffman, you are a driver of coaches for Mr. Ransbery, at the Fifth Avenue Hotel ?

A. I am.

Q. Mr. Rausbery is the party who has a right to drive coaches for the Fifth Avenue Hotel?

A. As far as I know.

Q. How long have you been employed there?

A. About five months.

Q. You drive on orders from the desk?

A. I do.

Q. That has been your custom?

A. That is regular.

Q. Do you remember the general election two weeks ago to-day?

A. It was.

Q. Do you remember the Thursday night before?

A. I do.

Q. You did me a favor to tell me an incident about driving some parties to the Police Headquarters, &c., will you have the goodness to detail to these gentlemen, who are the Grand Jury, particularly and minutely the incident, beginning with the time of the evening, &c.?

A. Gentlemen, about the hour of 9.30, as near as I can recollect, it may be a little more or less, I was ordered by Mr. Becker, who is the Superintendent or bookkeeper of coaches, to drive to the Twenty-third street entrance of the Fifth Avenue Hotel: I there waited about fifteen minutes, and three gentlemen came out and got into the coach, and ordered me to drive to No. 300 Mulberry street. I went to No. 300 Mulberry street, and remained about fifteen minutes. The same party inquired of one of his friends, who are you waiting for? The reply was, "We are waiting for Mr. Acton and Mr. Kennedy." Presently, Mr. Acton and Mr. Kennedy drove up in a coach.

Q. Do you know Mr. Kennedy and Mr. Acton by sight?

A. Yes, sir.

Q. You have seen them before?

A. Yes, sir; I recognized two gentlemen as Mr. Kennedy and Mr. Acton. I said to the parties who were with me, "There is Mr. Kennedy and Mr. Acton, going

in!" They went in after them, and remained about five minutes; they came out and ordered me to drive to the rear of No. 300 Mulberry street, which is in Mott street; the number I don't know. They went in and were absent about five to seven minutes, and came out and commenced putting books in my coach.

Q. What kind of books, like these? (books shown.)

A. Similar to those shown. I picked up one book to look at it and one of the gentlemen snatched it out of my hand and said, "These are private matters; you get on the box." I got there as I was ordered. He says to one of his friends, "Don't you leave this coach. Keep your eyes on these books." After the books were put in the coach, the three gentlemen went inside, the door was shut, and I was ordered to drive to the Fifth Avenue Hotel, to the Twenty-third street entrance, as fast as possible. I did as I was directed, and saw those books, with the exception of two, taken into room No. 15, Fifth Avenue Hotel, used by the Central Republican Committee.

Q. What did you do with the two books?

A. The two books that were retained—that did not go in—were given to George Purser.

Q. Are these the books? You kept these in the coach, didn't you?

A. Yes, sir; these are the books.

Q. Did you afterwards, that evening, see Mr. Kennedy or Mr. Acton?

A. No, sir; I did not.

Q. You don't know of your own knowledge, what became of them again that night?

A. I do not know, but I can say—

Q. Do you know, or have you looked to see, who the coach that you drove has been charged to?

A. The coach was charged to the Republican Central Committee.

Q. Did you look to see that fact?

A. I did.

Q. Do you know who the coach was charged to that Mr. Kennedy and Mr. Acton rode in?

A. To the same source.

Q. The three gentlemen that drove over—have you ever seen them, since or before ?

A. No, sir.

Q. Did you hear either of them call the other by name ?

A. No, sir; I did not.

Q. Can you describe either of the three ? Anything remarkable about the three or not ?

A. One of them was a tall man, about five feet ten, very thin and spare, and to see him walk along the street, you would think he was practicing to be a minister, wearing eyeglasses. The other one like a rough, about five feet seven, dressed very shabbily.

Q. Did you hear any conversation about the books ?

A. Nothing more than these were very important matters.

Q. What did they say about it ?

A. In speaking to me he says : “ These books are not to be looked at. They are important matters.” Says he, “ You get on the box ;” he turned to his friend and said, “ You keep your eye on these books.”

Q. When you had reminded them that Mr. Acton and Mr. Kennedy had come, did they go in together ?

A. The two went in.

Q. Did you see Mr. Kennedy and Mr. Acton speak to them, or they to them ?

A. I did not.

Q. How near together did they come in ?

A. I should judge they were about fifty feet apart, followed right in.

Q. You did not drive around to the rear entrance until after —— ?

A. Until after Mr. Kennedy and Mr. Acton had come to No. 300 Mulberry street.

Q. Do you collect the fares when you drive ?

A. No, sir.

Q. Is it your business to see it charged ?

A. It is our business to find out whether the parties give us the right direction. Invariably the clerk comes

out and puts the gentleman in the coach, and says, "It is all right." When they tell us, "It is all right," we do not take further interest in the matter. Sometimes we do collect the fare and turn it over to the office.

Q. But in this case you did not collect?

A. No, sir; we were told, "It is all right." I said, "Who is the coach to be charged to?" The answer was, "charge it to the Republican Committee." The transaction so excited my suspicion that I can make myself sure on every point. I went and saw that this thing was charged.

Q. Do you know who either of these three men were?

A. I do not.

Q. How did you get possession of the two books?

A. I decline answering. I stole them.

Q. How did you steal them?

A. If you allow me to tell it in my own way. The transaction so excited my suspicion I thought there was something wrong going on; they ordered me on the box, and in snatching the books so rudely out of my hand, which gave me still more suspicion. I made up my mind to come in possession of one or two or more, if it was possible. I took them from the outside of the coach. One book was shoved under the mat; I shoved it under the mat; the other one I put under my coat when they were taking the books in. They being public property, I thought it no harm to steal it. They had already prostituted the trust the people put in them, and I took them to the opposite party. I am a citizen and a taxpayer. The taking of the books was after we arrived at the Fifth Avenue Hotel.

FRANCIS P. FALLON, sworn and examined, testified as follows:

Q. Where do you reside?

A. No. 46 Elm street.

Q. Were you one of the Registers or Inspectors of election?

A. I was, sir.

Q. Were you both a Register and an Inspector of election?

A. I was.

Q. What district?

A. The Eleventh District.

Q. Of what Ward?

A. The Sixth Ward.

Q. What days did you serve?

A. On the 31st—the last day.

Q. Saturday?

A. Yes, sir.

Q. And on election day?

A. On election day.

Q. You did not serve the Friday before?

A. No, sir.

Q. You did not serve the two days of the prior week?

A. No, sir.

Q. The books of registry which you had custody of at the close of Saturday night. What did you do with those books?

A. I took one of the books up to the Fifth Avenue Hotel when the registry was closed, on Saturday night, and there had an interview with Mr. White; he did not know anything about them. It appears he did not understand about the books, so I took the book down to Mr. Leask to ask advice. The reason of this was, I did not send the book up—we did not sign the books—the books did not compare. I asked Leask his advice, and he told me if I had a safe place to keep the book till Monday, and after that leave it at headquarters.

Q. Why did you take the book to the Fifth Avenue Hotel at all in the first place?

A. I was ordered to take it up there.

Q. Who by?

A. By Mr. Leask.

Q. Did you not see Mr. Leask up at the rooms?

A. No, sir; I saw him afterwards at his place of business.

Q. Did you see other Registers up there with their books when you went up with your book?

A. I could not say; I saw a large crowd of men; they

all seemed to be busy, writing. I did not see any books that looked like registry books, not like mine.

Q. Was the original which you kept, the book you took up there, your official book?

A. Yes, sir. It was to go to headquarters, but it was not signed.

Q. Did anybody else tell you to take that book up to the Fifth avenue headquarters but Mr. Leask?

A. No, sir.

Q. Was he a member of this Committee?

A. I do not know, sir.

Q. Who is Mr. Leask?

A. He is a hatter, and keeps a place corner of Chatham and Pearl streets.

Q. Why did you take an order from Mr. Leask?

A. Because it was the first time I was Register; I was ignorant of the duties. I was only appointed about ten hours before the registry was closed. I thought that was the proper place to take them up to. I was perfectly ignorant of where the books should be sent to.

Q. What instructions did you receive at the Police Headquarters when you were sworn in as Register?

A. To do my duty.

Q. Any other instructions besides doing your duty; did they tell you to bring that book there when you got through with the registry?

A. I did not hear that.

Q. Did not they give you a printed paper of instructions?

A. Yes, sir.

Q. Did you read them?

A. When we got down to the place of registry there was such confusion I did not have time to read anything; there were three hundred names on slips of paper; they were upside down. I had to do all this before nine o'clock.

Q. Did you get your appointment through Mr. Leask?

A. Yes, sir.

Q. Mr. Leask is President of a political club in the Fourth Ward?

A. Not as I know of.

Q. Did Mr. Leask serve as a Register with you?

A. No, sir.

Q. Were you instructed not to sign the register, by any person?

A. I was instructed not to sign these registry books, if they did not compare.

Q. Who instructed you?

A. Mr. Leask.

Q. Did you read your paper, that they gave you at headquarters?

A. No, sir; not till after everything was all done; I did not have the time.

Q. When you say you did not know what to do, why did not you read your paper before going to Mr. Leask?

A. I did not see the paper before going to Mr. Leask; there was two sets of registers there before me.

Q. When you were sworn in at the Police Headquarters, you got a paper of instruction. After you completed your book, as I understood you, you did not know what to do with it, and went to ask Leask. My question is, why didn't you read your paper of instruction, instead of going to ask a private individual?

A. He told me to take the book to the Fifth Avenue Hotel, before I commenced to register.

Q. Who informed you that you were appointed?

A. Mr. Leask came after me, and asked me if I would accept the position; he talked of the frauds committed there. I told him that I would.

Q. What was it you declined to sign? the register or the election return?

A. The register return, and the election return—both.

Q. You say they did not compare; where was the difficulty?

A. There was a difficulty of thirty-six to forty names—some eight hundred names on their book, and there was eight hundred and forty-one on ours.

Q. Who is ours?

A. The Republicans.

Q. Therefore you did not agree, and you declined to sign?

A. Yes, sir; the Democratic Inspector and I differed in five names while I was sitting there. The other names that were deficient I did not know anything about them; there were two sets of registers before me.

Q. When did you first discover the difference between yourself and the Democratic Inspector?

A. In the evening I discovered it, in the first place, and declined taking the five names that the Democratic Inspector did.

Q. Why did you decline?

A. Because they would not take the required oath.

Q. Was there any oath put to those five?

A. No, sir; they declined.

Q. In regard to the election returns; what difference was there between the returns, after the votes were canvassed?

A. I did not say that I declined to sign the register at the close of the evening.

Q. Did not the discrepancy occur in this way—that the two registers left the poll and went away, and during the time they were going to the Police Headquarters and coming back, these names were placed on by the other two that remained there?

A. No, sir; nobody had left, except one going to dinner.

Q. Did not two of them leave at one time?

A. I do not know anything about that.

Q. Could not a discrepancy occur in that way?

A. Yes, sir. I only registered about sixty names from the time I was appointed Register until I returned back. There was some eight hundred names registered before I was appointed.

Q. Then, if you had not read your instructions, how came you to insist upon putting the oath when your fellow Inspectors were satisfied as to the legal right of those persons to register?

A. There was another Register there. I did not do all this myself. I had an assistant.

Q. You said you put the required oath?

A. I did not mean I, personally. I meant my Republican colleague.

Q. What was the name of the other Register who was at work—the other Republican?

A. His name is George Seaback; the other man's name I do not know.

Q. You were there on Saturday, the 31st of October?

A. Yes, sir; but not all day.

Q. Was Mr. McGowan there?

A. I believe he was.

Q. How came you to put the oath to these gentlemen?

A. I did not put the oath.

Q. Who did?

A. My colleague.

Q. What was the reason?

A. Some of them had not papers, and they would not swear they were citizens.

Q. Did you swear every one that came there?

A. No, sir.

Q. What was the reason you wanted to swear them?

A. Because I thought they were illegal voters.

Q. Do you say that when these five men refused to take the oath that the other inspectors still required them to be registered?

A. Yes, sir.

Q. The other inspectors were satisfied they were voters?

A. Yes, sir.

THE CASE OF ——— CORNWELL.

GRAND JURY ROOM, Thursday.

MICHAEL KUHN, sworn and examined, testified as follows:

Q. Do you know the first name of the Inspector?

A. I do not.

Q. Were you an Inspector there?

A. No, sir.

Q. State to the jury what you witnessed. Where was this?

A. No. 446 Eighth avenue.

Q. What election district?

A. Twentieth.

Q. What ward?

A. Twentieth.

Q. Detail the circumstances.

A. All I saw, I saw Cornwell take a ticket out of the box—Mr. Cornwell, the Inspector of election.

Q. Just be particular, and state when it was, where you were, and what you witnessed, were you inside the poll, or where were you?

A. Yes, sir; I was inside the poll, looking over the parties in the afternoon.

Q. In the afternoon of election day?

A. Yes, sir.

Q. You saw Cornwell there acting as an Inspector?

A. Yes, sir.

Q. You saw Cornwell do what?

A. Take a ticket out of the ballot-box and put it down below his waist; he had a big overcoat.

Q. Did he substitute any other ticket?

A. I could not swear to that.

Q. Did you see him do that more than once?

A. I saw him do it once, and then I paid my attention to the floor; while doing that, I saw three tickets lying on the floor. I went around to pick them up, and handed them to Mr. Whitley, a lawyer; he was there at the time, and to the officer. Then we took him to the station-house.

Q. What were the tickets?

A. Mr. Whitley and I went up and made the charge.

Q. Is he inside?

A. No, sir; he is not subpoenaed.

Q. Is there any other witness here?

A. George Hendricks.

Q. George Hendricks was a barber, and he saw him do it?

A. Yes, sir. When the tickets were lying down he

took it off the ballot-box; when it was given to vote he took it off; stood up and put it below his vest; he had a big coat on. I saw him after that. I put my attention to the floor. I saw three tickets lying there. I came out in front and picked up those tickets; handed them to Mr. Whitley and the officer.

Q. Did the voter say anything at the time?

A. No, sir; I think he was gone at the time.

Q. Which box did he take it from?

A. State and Supervisor. I think it was a State ticket, but I am not certain. Mr. Whitley, the lawyer, can tell you more about it. I did not open them.

Q. Did you see either one of them dropped from the box on the floor?

A. I did not.

Q. Did you read anything on the ticket, to see what was on it?

A. No, sir; I did not read anything.

Q. Did you see it put on the box as the party passed there?

A. I could not say that.

• GEORGE HENDRICKS, sworn and examined, testified:

Q. What is your business?

A. Keep a barbershop and segar store.

Q. Where?

A. Number 444 Eighth avenue.

Q. What election district do you vote in?

A. The Twentieth of the Twentieth Ward.

Q. What number is that?

A. 444 Eighth avenue. It is held in a segar store in front of my barbershop. The barbershop is in the rear.

Q. The polling place is held in the segar store?

A. Yes, sir.

Q. What do you know about this?

A. I was told that there was goings on wrong in my place by some men there polling the election. I went into the barbershop, back. I saw one of the Inspectors.

Q. Cornwell?

A. So I suppose.

Q. You found it afterwards, his name was Cornwell?

A. Yes, sir; he was standing in front of the box, taking the tickets, holding the tickets pretty nearly equal with the counter, below the ballot box, by holding his hand down; his coat sleeve was so long that I could not see what was done with the ticket; I saw him then place the ticket in the box afterwards; I could not say that was the same or another.

Q. Did you see any tickets on the floor?

A. I saw a whole lot of tickets on the floor, right down where he stood.

Q. How many?

A. I could not say who picked them up because there was confusion.

Q. Were those, all around the floor, around where he stood?

A. Right around there.

Q. A large number.

A. I think about twenty-five at the moment; I saw there was twenty-five, and they were not there before.

Q. Who picked those tickets up?

A. I could not tell; there were two other inspectors.

Q. Did your wife see this?

A. Yes, sir.

Q. She is not here to-day?

A. No, my child is very sick with the scarlet fever; the doctor said she could not leave the bed.

Q. When did you first name this fact to any body, that you saw these tickets lying on the floor?

A. I did not tell it to any body.

Q. Who is the first man you told that occurrence to, that you have narrated here?

A. Mr. Khun said, "Did you see all those tickets on the floor?"

Q. When did he ask you?

A. About an hour after he was arrested

Q. When were you arrested?

A. That day in the afternoon.

Q. While he was at the Police ?

A. Yes, sir.

FRIDAY, November 20, 1868.

JAMES H. WHITLEGE, sworn and examined, testified :

Q. Detail to the jury what you know about this case ?

A. All that I know about the matter is, on the day of the last election, in passing from my house, on my way to my office, there was a large number of people congregated around the Twentieth district poll. There was some talk about one of the Inspectors being drunk, and I suggested that if that was the case he ought to be removed at once, and I went in and I saw this Cornell, or whatever his name is, in front of the two boxes east of the others, that is, towards the end of the stove. I think it was a City and County and State. I watched him for some considerable time. I saw people leaning over the petition from the other side, and I asked one of the parties who was complaining outside that had gone in at the time I did, who this man was, and it was Cornell. I kept my eye on him for a little while, and I saw him take the ballots that were given to him from the top of the box. The box is a great deal higher than my hat : he held his hands close to his bosom, thus [showing] he would take the ticket, look round and say how he voted, and lowered the ticket below the box and bring it up again as I supposed, and lay it down when he cried, he votes all, or votes so many and put it in. I noticed on one occasion that at the time he put his hand down there was a ticket fell, and I do not know how to account for that, but it raised my suspicions a little more, he put a ticket in and he did not pick that from the floor. Mr. Kuhn who was looking over the partition, winked at me, and I responded with a wink myself. Mr. Kuhn said that he dropped some tickets there—that he was stuffing. I saw that ticket fall, and I picked it up myself. I believe it was a ticket for the State. I picked

that ticket up, and kept possession of it, and delivered it to the Police Sergeant when I went into the Police Station in company with the officer.

Q. How many tickets do you think you saw on the floor, where you were standing?

A. There were three tickets. After I had seen the one fall, I went a little further towards where the temporary partition had been put, and I saw two others. Mr. Kuhn came around and picked up those two; I gave him the one I had, that made three. They were all of the same kind—State tickets.

Q. Were you there when this man was arrested?

A. I was.

Q. On going to the Stationhouse, did he throw away any tickets?

A. No, sir; but at the time the policeman told him to go over, he shook his sleeve, and a number fell out.

Q. Was he very drunk?

A. He was; he was intoxicated.

Q. That was very perceptible?

A. Oh, yes; he acted in a very strange manner. I thought at first the man was *non compos mentis*.

Q. What political ticket was it?

A. If you desire me to give an opinion—I do not suppose it is necessary for me to give it.

Q. You were not an Inspector?

A. No, sir; I was not an Inspector.

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